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13 Attorneys for Defendants
BAYER CORPORATION and BAYER AG
14

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18
19 ONYX PHARMACEUTICALS, INC.,

20 Plaintiff,

21 v.

22 BAYER CORPORATION and BAYER AG,

23 Defendants.

Case No. CV 09 2145 MHP

**STIPULATION EXTENDING
TIME FOR DEFENDANTS
TO RESPOND TO COMPLAINT
AND SETTING BRIEFING
SCHEDULE**

(LR 6-1(a))

1 Pursuant to Local Rule 6-1(a), it is hereby stipulated between Plaintiff Onyx
 2 Pharmaceuticals, Inc. ("Onyx") and Defendants Bayer Corporation and Bayer AG (collectively,
 3 "Defendants"), through their respective counsel, as follows:

4 1. Defendants shall have until Thursday, June 25, 2009 in which to file their
 5 responses to Plaintiff's then-operative complaint, and if filing motions to dismiss, to file a motion
 6 for leave to file a motion to dismiss before the initial case management conference;

7 2. Onyx shall have until Thursday, July 16, 2009 in which to file its oppositions to
 8 any Rule 12 motions that Defendants file;

9 3. Defendants shall have until July 27, 2009 in which to file any reply briefs;

10 4. Defendants shall set any Rule 12 motions for hearing on the Court's 2:00 p.m.
 11 calendar on Monday, August 10;

12 5. The foregoing schedule shall be maintained if Onyx files a First Amended
 13 Complaint on or before June 18, 2009 adding Bayer HealthCare LLC as a defendant and not
 14 otherwise materially amending the allegations against Defendants. Defendants shall be entitled to
 15 additional time to file their responses pursuant to Federal Rule of Civil Procedure 15(a)(3) in the
 16 event Onyx files a First Amended Complaint (i) after June 18, 2009; or (ii) that materially amends
 17 the allegations against Defendants (other than adding Bayer HealthCare LLC as a defendant).

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1 IT IS SO STIPULATED.

2 Dated: June 3, 2009

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4 LAWRENCE R. KATZIN
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12 By: /s/ Lawrence R. Katzin
13 LAWRENCE R. KATZIN

14 Attorneys for Defendants
15 BAYER CORPORATION and
16 BAYER AG

17 Dated: June 3, 2009

18 THOMAS J. FRIEL, JR.
19 MARTIN S. SCHENKER
MICHELLE S. RHYU
BRADLEY A. WAUGH
COOLEY GODWARD KRONISH LLP

20 By: /s/ Martin S. Schenker
21 MARTIN S. SCHENKER

22 Attorneys for Plaintiff
23 ONYX PHARMACEUTICALS, INC.

24 **GENERAL ORDER 45 ATTESTATION**

25 In accordance with General Order 45, concurrence in the filing of this document has been
26 obtained from each of the signatories and I shall maintain records to support this concurrence for
27 subsequent production for the court if so ordered or for inspection upon request by a party.

28
29 /s/ Lawrence R. Katzin
30 LAWRENCE R. KATZIN

31 Attorneys for Defendants
32 BAYER CORPORATION and
33 BAYER AG